



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
Northeast Region

New York Office
201 Varick Street
New York, NY 10014

December 20, 2006

Garden State Equities, Inc.
East Orange, NJ 07018

NOTICE OF UNLICENSED OPERATION

Case Number: EB-06-NY-249
Document Number: W20073238009

The New York Office received information that an unlicensed broadcast radio station on 102.3 MHz was allegedly operating in Newark, NJ. On December 2, 2006, an agent from this office confirmed by direction finding techniques that a radio transmitter operating on the frequency 102.3 MHz was located at your building in Newark, NJ. The Commission's records show that no license was issued for operation of a broadcast station at this location on 102.3 MHz in Newark, NJ.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* Your operation on frequency 102.3 MHz was measured at 7,159 microvolts per meter ($\mu\text{V/m}$) at 1180 meters. This exceeds the allowable unlicensed limit of 250 $\mu\text{V/m}$ at 3 meters established in Part 15. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the owner of this illegal operation to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant

material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Daniel W., Noel
District Director
New York Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003